

STATE OF VERMONT
HUMAN RIGHTS COMMISSION

"Mr. and Mrs. Silver" on behalf)	
of "J.S.",)	
Charging Party,)	
)	
v.)	CHARGE NO. PA02-0017
)	
Grand Isle Supervisory Union,)	
)	
Respondent.)	

POST-DETERMINATION CONCILIATION AGREEMENT

"Mr. and Mrs. Silver" on behalf of "J.S." filed a charge of discrimination under 9 V.S.A. § 4500 *et seq.*, Vermont's Fair Housing and Public Accommodations Act, alleging public accommodation discrimination by the Grand Isle Supervisory Union. The charge, PA02-0017, filed by "Mr. and Mrs. Silver" on behalf of "J.S." alleged that the Respondent:

- (1) failed to promptly and effectively remedy the Silvers' complaints that J.S. was repeatedly subjected to name calling based on his race, color and national origin;
- (2) that the Respondent subjected J.S. to harsher discipline and was singled out as a troublemaker based on his race, color and national origin;
- (3) that the principal of the Grand Isle Elementary School made a negative remark to J.S. based on his race, color and national origin;
- (4) that the Respondent excluded J.S. from school and related activities based upon its assessment of J.S.' disabilities; and finally,
- (5) that the Respondent retaliated against "J.S." because the Silvers consulted counsel on his behalf.

On December 10, 2002, the Vermont Human Rights Commission issued its Final Determination in the above referenced matter by finding that:

(1) The Respondent discriminated against "J.S." in a place of public accommodation on the bases of race, color, national origin, and disability in violation of 9 V.S.A. § 4502 of the Vermont Fair Housing and Public Accommodation Act; and

(2) The Respondent did not retaliate against "J.S." in a place of public accommodation in violation of 9 V.S.A. § 4502 of the Vermont Fair Housing and Public Accommodation Act.

In the interests of resolving the Charge of Unlawful Discrimination, "Mr. and Mrs. Silver" on behalf of "J.S.", the Grand Isle Supervisory Union and the Human Rights Commission agree as evidenced by the signatures below, to the following terms of settlement. By entering into this Post-Determination Conciliation Agreement, no party is admitting or conceding the merits of any claims or defenses of any other party.

This Post-Determination Conciliation Agreement constitutes closure of the public accommodations complaint filed with the Vermont Human Rights Commission, Charge No. PA02-0017. To this end, the undersigned parties hereby stipulate and agree as follows:

(1) The Grand Isle Supervisory Union shall comply in full with the provisions of 9 V.S.A. § 4502 *et seq.* prohibiting discrimination in places of public accommodation based on the race, creed, color, national origin, marital status, disability, sex or sexual orientation of any person.

(2) The Grand Isle Supervisory Union shall comply in full with the provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, and other applicable federal

statutes and regulations including those which prohibit discrimination in any program or activity receiving federal financial assistance.

(3) The Grand Isle Supervisory Union shall take no action nor in any way retaliate against "Mr. and Mrs. Silver" on behalf of "J.S." or any of their children for their having filed the Charge, or for having pursued settlement of possible claims against the Grand Isle Supervisory Union. In addition, the Grand Isle Supervisory Union agrees that it shall take no action nor in any way retaliate against any person for having cooperated in the investigation of the charge, or for assisting with any of the activities referenced previously in this paragraph.

(4) The Grand Isle School District shall review and, if necessary, revise their policies and procedures with regard to unlawful harassment of students and non-discrimination against individuals based on race, color, national origin, or disability to ensure full conformity with the above cited federal and State statutes. The Grand Isle School District shall complete this review no later than April 30, 2004, with resulting revisions to said policies to be completed no later than June 30, 2004. Furthermore, the Grand Isle School District shall provide the Vermont Human Rights Commission with draft policies and procedures with regard to unlawful harassment of students and non-discrimination against individuals based on race, color, national origin, or disability for the Commission's review and comment no later than thirty (30) days in advance of the Grand Isle School District's board meeting at which these revised policies or procedures are to be considered or adopted. The Commission will review these materials to ascertain whether the policies and procedures are in compliance with applicable State and federal law.

(5) During the 2004-2005 school year the Grand Isle School District shall provide all faculty and staff members employed by the Grand Isle School District at the time of the training,

including teachers, paraeducators, custodians, staff and administrative assistants, with not less than six hours of specific and effective training and education in the areas of anti-racism, harassment, cultural diversity, and non-discrimination against individuals based on race, creed, color, national origin, disability, (specifically including individuals with attention deficit disorder), marital status, sex, or sexual orientation and policies and procedures in these areas. Furthermore, the Grand Isle School District shall provide the Vermont Human Rights Commission with copies of the lists of proposed trainers; training agendas; lists of required attendees, including all faculty and staff members; and training materials for the Commission's review and approval no later than thirty (30) days prior to conducting such training. The Commission will review these materials to ascertain whether the proposed materials are effectively designed to inform faculty and staff on strategies to ensure that the Grand Isle School District acts in accordance with applicable state and federal law. The Grand Isle School District shall provide the Commission with attendee lists, as well as a listing of all faculty and staff members, within thirty (30) days of conducting such training(s).

The provisions of this Post-Determination Conciliation Agreement adequately vindicate the public interest, and the Agreement is a public document.

Dated at Burlington, Vermont this 17 day of Feb., 2004.

By: Mercedes Tymula
Mercedes Tymula

Todd Tymula
Todd Tymula

GRAND ISLE SUPERVISORY UNION

Dated at Rutland, Vermont this 4th day of March, 2004.

By:

[Signature]
Its Duly Authorized Agent

GRAND ISLE SCHOOL DISTRICT

Dated at Rutland, Vermont this 4th day of March, 2004

By:

[Signature]
Its Duly Authorized Agent

Marion K. Csek
WITNESS

VERMONT HUMAN RIGHTS COMMISSION

This Post-Determination Conciliation Agreement is hereby approved and no further action will be taken by the Human Rights Commission regarding the charge of public accommodation race and color discrimination, HRC Charges No. PA02-0026, other than any action necessary to enforce the terms of this agreement.

Dated at Montpelier, Vermont, this 30th day of MARCH, 2004.

By: Erica Garfin
Erica Garfin, Chair of the Vermont Human Rights Commission

Kevin B. Christie
Kevin Christie, Commissioner

Therese Corsones
Therese Corsones, Commissioner

Christine H. Hart
Christine Hart, Commissioner

Charles Kletecka
Charles Kletecka, Commissioner

BTV.260104.1